

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

REPUBLIC OF TEXAS BIKER RALLY, INC.

VS.

BIKINIS BAR & GRILL, LLC,
BIKINIS BAR & GRILL – AUSTIN, LLC,
BIKINIS SPORTS BAR & GRILL –
6th STREET, LLC, BIKINIS SPORTS BAR &
GRILL FRANCHISING, LLC,
BIKINIS PROMOTIONS, LLC
BIKINIS REAL ESTATE, LLC

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CIVIL ACTION NO.

10-697

NOTICE OF REMOVAL OF ACTION

Bikinis Bar & Grill, LLC, Bikinis Bar & Grill – Austin, LLC, Bikinis Sports BAR & Grill – 6th Street, LLC, Bikinis Sports Bar & Grill Franchising, LLC, Bikinis Promotions, LLC and Bikinis Real Estate, LLC (“Defendants”), Defendants in the above-captioned matter, file this Notice of Removal to the United States District Court for the Western District of Texas, Austin Division, and would respectfully show the Court as follows:

I. STATE COURT PROCEEDING

Bikinis Bar & Grill, LLC, Bikinis Bar & Grill – Austin, LLC, Bikinis Sports BAR & Grill – 6th Street, LLC, Bikinis Sports Bar & Grill Franchising, LLC, Bikinis Promotions, LLC and Bikinis Real Estate, LLC, are all of the defendants in a civil action brought on August 17, 2010, in the 250th District Court of the State of Texas, County of Travis, entitled “Republic of Texas Biker Rally, Inc., against Bikinis Bar & Grill, LLC, Bikinis Bar & Grill – Austin, LLC, Bikinis Sports BAR & Grill – 6th Street, LLC, Bikinis Sports Bar & Grill Franchising, LLC, Bikinis Promotions, LLC and Bikinis Real Estate, LLC, Defendants;” Cause No. D-1-GN-10-002855. Copies of the six (6) citations and

the petition in that action are attached and constitute all process, pleading, and orders served in the action.

II.

The citations and petition in this action were served on Defendants on August 23, 2010, through its Registered Agent, Doug Guller, Austin, Travis County, Texas. This notice of removal is filed within 30 days of receipt of the petition and is timely filed under 28 U.S.C. § 1446(b).

III.

The district courts of the United States have original jurisdiction over this action as the Plaintiff has asserted claims for trademark infringement under the Lanham Act.

All of the Defendants jointly file this Notice of Removal.

IV.

Removal of this action is proper under 28 U.S.C. § 1441, since it is a civil action brought in a state court, and the federal district courts have original jurisdiction over the subject matter under 28 U.S.C. § 1331 because the Plaintiff has asserted claims for trademark infringement under the Lanham Act.

WHEREFORE, Bikinis Bar & Grill, LLC, Bikinis Bar & Grill – Austin, LLC, Bikinis Sports BAR & Grill – 6th Street, LLC, Bikinis Sports Bar & Grill Franchising, LLC, Bikinis Promotions, LLC and Bikinis Real Estate, LLC, defendants in this action, join together and pursuant to these statutes and in conformance with the requirements set forth in 28 U.S.C. § 1446, remove this action for trial from the 250th District Court of the State of Texas, County of Travis, Cause No. D-1-GN-10-002855, to this Court, on this 17th day of September, 2010.

Respectfully submitted,

SAVRICK, SCHUMANN, JOHNSON, MCGARR,
KAMINSKI & SHIRLEY

By: 

Mitchell D. Savrick

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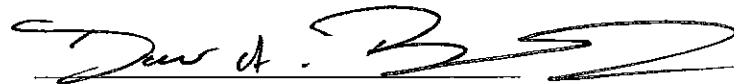
Fax: (512) 347-1676

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

Pursuant to Texas Rules of Civil Procedure 21 and 21a, a true and correct copy of the foregoing has been served upon all counsel of record via facsimile transmission, on this the 20th day of September, 2010:

Carl F. Schwenker, *Via Facsimile 857-1294*
Law Offices of Carl F. Schwenker
1621 West Sixth Street
Austin, Texas 78703
Attorney for Plaintiffs


David A. Buono II